

**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

APPLICANTS: Michael C. Stewart, et al.  
APPLICATION NO.: 10/602,490  
FILING DATE: June 23, 2003  
TITLE: Apparatus and Method for Integrated Vessel Ligator  
and Transector  
EXAMINER: Vi X. Nguyen  
GROUP ART UNIT: 3731  
ATTY. DKT. NO.: 80121-07311

MAIL STOP AMENDMENT  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**STATUS REQUEST**

Sir:


Please advise the undersigned attorney of record regarding the status of the subject application following the filing on December 12, 2006 of a Petition to Revive and Response to Specie Election Requirement, together with a check for \$1,500 in payment of the petition fee. True copies of the documents as filed (and stamped received by the Patent Office) are attached hereto, marked as Exhibit A.

Favorable action on the petition and early report of prospective examination data are solicited.

Respectfully submitted,  
Michael C. Stewart, et al.

Dated: 5/31/07

By: A.C. Smith  
Albert C. Smith, Reg. No.: 20,355  
Fenwick & West LLP  
Silicon Valley Center  
801 California Street  
Mountain View, CA 94041  
Tel.: (650) 335-7296  
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 <h1 style="text-align: center;">FEE TRANSMITTAL</h1> <h2 style="text-align: center;">for FY 2006</h2> <p style="text-align: center;">Patent fees are subject to annual revision.</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>		<p><i>Complete if Known</i></p> <p>Application Number      10602,490</p> <p>Filing Date              June 23, 2003</p> <p>First Named Inventor    Michael C. Stewart</p> <p>Examiner Name          Vi X. Nguyen</p> <p>Art Unit                  3731</p> <p>Attorney Docket No.    80121-07311</p>	
<b>TOTAL AMOUNT OF PAYMENT</b>		<b>(\$)</b> 1,500.00	

<b>METHOD OF PAYMENT (check all that apply)</b>				<b>FEE CALCULATION (continued)</b>			
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input type="checkbox"/> Deposit Account:							
Deposit Account Number		19-2555					
Deposit Account Name		Fenwick & West LLP					
The Commissioner is authorized to: (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.							
<b>FEE CALCULATION</b>							
<b>1. BASIC FILING FEE</b>							
Large Entity		Small Entity		Fee Description		Fee Paid	
Fee Code	Fee (\$)	Fee Code	Fee (\$)				
1051	130	2051	65	Surcharge - late filing fee or oath or declaration			
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet			
1053	130	1053	130	Non-English specification			
1812	2,520	1812	2,520	For filing a request for ex parte reexamination			
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action			
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action			
1251	120	2251	60	Extension for reply within first month			
1252	450	2252	225	Extension for reply within second month			
1253	1020	2253	510	Extension for reply within third month			
1254	1,590	2254	795	Extension for reply within fourth month			
1255	2,160	2255	1,080	Extension for reply within fifth month			
1401	500	2401	250	Notice of Appeal			
1402	500	2402	250	Filing a brief in support of an appeal			
1403	1000	2403	500	Request for oral hearing			
1451	1,510	1451	1,510	Petition to institute a public use proceeding			
1452	500	2452	250	Petition to revive - unavoidable			
1453	1,500	2453	750	Petition to revive - unintentional		1,500	
1501	1,400	2501	700	Utility issue fee (or release)			
1502	800	2502	400	Design issue fee			
1503	1100	2503	550	Plant issue fee			
1460	—	1460	—	Petitions to the Director			
1807	50	1807	50	Processing fee for Provisional Applications			
1806	180	1806	180	Submission of Information Disclosure Stmt			
8021	40	8021	40	Recording each patent assignment per property (times number of properties)			
1809	780	2809	385	Filing a submission after final rejection (37 CFR 1.129(b))			
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))			
1801	780	2801	385	Request for Continued Examination (RCE)			
1802	900	1802	900	Request for expedited examination of a design application			
Other fee (specify): _____							
<b>SUBTOTAL (2) (\$)</b>				<b>SUBTOTAL (3) (\$)</b> 1,500.00			

SUBMITTED BY				Complete (if applicable)	
Name (Print/Type)	Albert C. Smith	Registration No. (Attorney/Agent)	20,355	Telephone 650.335.7296	
Signature	<i>Albert C. Smith</i>		Date	12/7/06	



PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
INTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)  
80121-07311

First named inventor: Michael C. Stewart

Application No.: 10/602,490

Group Art Unit: 3731

Filed: June 23, 2002

Examiner: Vi X. Nguyen

Title: Apparatus and Method for Integrated Vessel Ligator and Transector

Mail Stop Petition  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

1. Petition fee

☐ Small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of  
Response to Specie Election Requirement (identify type of reply):

☐ has been filed previously on \_\_\_\_\_.

☒ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

☐ has been filed previously on \_\_\_\_\_.

☐ is enclosed herewith.

Page 1 of 2

12/13/2006 RECDHDAF1 00000047 10602490

01 FC:1453

1500.00 DP

Exhibit A

80121/07311/DOCS/1678479.1

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995 no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

12/7/06  
Date

A. C. Smith  
Signature

Telephone

Number: (650) 335-7296

Albert C. Smith, Reg. No. 20,355

Fenwick & West LLP  
801 California Street  
Mountain View, CA 94040

Enclosures:

- ☒ Fee Payment ✓  
☐ Reply  
☐ Terminal Disclaimer Form  
☐ Small Entity Status Form  
☒ Response to Specie Election Requirement ✓

CERTIFICATE OF MAILING [37 CFR 1.8(A)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

12/7/06  
Date

A. C. Smith  
Signature

Albert C. Smith



IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

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ATTY. DKT. NO.: 80121-07311

CERTIFICATE OF MAILING		
I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Signature:	<i>A-C. Smith</i>	
Typed or Printed Name:	Albert C. Smith, Reg. No. 20,355	Dated: 12/7/06

MAIL STOP AMENDMENT  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

RESPONSE TO SPECIE ELECTION REQUIREMENT

Sir:

The following Remarks are in response to the official action dated May 4, 2006 received in the patent application identified above.

Exhibit A

### REMARKS

An election has been required under 35 U.S.C. § 121 among the patentably distinct species of the claimed invention, including:

- Specie 1 illustrated in figures 1, 2a-c, 3a-c, 4;
- Specie 2 illustrated in figures 2d;
- Specie 3 illustrated in figures 5a, b;
- Specie 4 illustrated in figures 5c, d;
- Specie 5 illustrated in figures 53-g;
- Specie 6 illustrated in figure 6; and,
- Specie 7 illustrated in figures 7-9.

Applicants hereby elect, without traverse, to prosecute in this application the Specie 1, for example, as illustrated in figures 1, 2a-c, 3a-c, 4 and list as readable thereon the claims 1-13, 29 and 30.

Applicants are retaining the remaining claims in this application, unexamined, pending allowance of a generic or linking claim.

Favorable action is solicited.

Respectfully submitted,  
Michael C. Stewart, et al.

Dated: 12/7/06

By: A-C. Smith

Albert C. Smith, Reg. No.: 20,355

Fenwick & West LLP

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Exhibit A

80121/07311/DOCS/1678468.1